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7 TATYANA EVGENIEVNA
8 DREVALEVA,
9 Plaintiff,
10 v.
11 DENIS RICHARD MCDONOUGH, et al.,
12 Defendants.

Case No. 22-cv-00887-HSG

**ORDER DENYING MOTIONS TO
VACATE**

Re: Dkt. Nos. 110, 111, 112

13 On October 26, 2022, the Court held that Plaintiff's claims were barred by res judicata,
14 dismissed the complaint, and declared Plaintiff a vexatious litigant. Dkt. Nos. 100, 102. Plaintiff
15 appealed, and the Ninth Circuit affirmed this Court's decision. *Drevaleva v. McDonough*, No. 23-
16 15308, 2024 WL 1342670, at *1 (9th Cir. Mar. 29, 2024). More than a year later, Plaintiff filed
17 three motions to vacate pursuant to Rule 60(b)(6). Dkt. Nos. 110, 111, 112. Plaintiff's motions
18 are convoluted, but they broadly argue that there was no valid final judgment that could trigger
19 claim preclusion, and there were various other procedural defects. *See, e.g.*, Dkt. No. 110 at 18;
20 Dkt. No. 112 at 7.

21 Rule 60(b)(6) is a "catchall provision" that "has been used sparingly as an equitable
22 remedy to prevent manifest injustice and is to be utilized only where extraordinary circumstances
23 prevented a party from taking timely action to prevent or correct an erroneous judgment." *United
24 States v. Washington*, 593 F.3d 790, 797 (9th Cir. 2010) (quotation omitted). "A motion under
25 Rule 60(b) must be made within a reasonable time . . ." Fed. R. Civ. P. 60(c)(1). And, under
26 Civil Local Rule 7-9, a party seeking reconsideration under Rule 60(b) must file a motion for
27 leave to file a motion for reconsideration, which must specifically show the emergence or
28 discovery of new material facts or law or a manifest failure by the Court to consider facts or

1 dispositive legal arguments previously presented.

2 Plaintiff has failed to make the necessary showing under Federal Rule of Civil Procedure
3 60 (and Civil Local Rule 7-9). Plaintiff has not complied with the procedural requirements of
4 these rules, and she has not demonstrated anything close to extraordinary circumstances. She
5 primarily repeats the same arguments that she has previously presented and that this Court and the
6 Ninth Circuit have rejected. *See Am. Ironworkers & Erectors, Inc. v. N. Am. Const. Corp.*, 248
7 F.3d 892, 899 (9th Cir. 2001) (affirming district court's denial of a motion for reconsideration
8 under Rule 60(b) where the movants "simply reargued their case and offered no basis for
9 withdrawal of the [order]"). The Court reemphasizes that this case is closed, and all pending
10 motions are **DENIED**. No further filings shall be accepted in this closed case.

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12 **IT IS SO ORDERED.**

13 Dated: 11/21/2025

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16 HAYWOOD S. GILLIAM, JR.
17 United States District Judge

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United States District Court
Northern District of California